REMARKS

The examiner considers the claims to be directed to 35 patentably distinct inventions and requires election of a single invention for examination on the merits. The examiner further indicates that an election of species is required if any group containing one or more of the generic claims listed in the Office Action is elected.

Applicants provisionally elected Group VI, drawn to peptides derived from Lactadherin (BA46) and presently comprising linking claims 1, 19-34, 44, and 52 and non-linking claims 15-16, with traverse. With regard to the election of species requirement, applicants elect the N-terminus modification in claim 23, the antigen presently cell in claims 25 and 31, breast cancer in claims 27 and 33, dendritic cell in claim 42, and "loading said antigen presenting cell with said at least one tumor associated antigen peptide" in claim 43. Applicants believe that the requirement to electa species of different us in claims 26 and 32 is obviated by the amendment to claims 26 and 32 to replace "prevent or cure" with "inhibit". Peptides of Lactadherin include SEQ ID NOs: 35-41.

The restriction requirement between Group VI, drawn to peptides derived from Lactadherin, and Group V, drawn to peptides derived from Mucin (peptides of Mucin include SEQ ID NOs: 42-49) is respectfully traversed. Traversal is based on Lactadherin and Mucin both belonging to the same family of human milk fat globule (HMFG) proteins, analogous to uroplakins as a family of protein from the urothelium. WO 94 20127A cited by the examiner does not disclose tumor associated antigen peptides from either Lactadherin

or Mucin. Accordingly, Groups 19 and 20, drawn to DNA encoding Groups V and VI, share a special technical feature as exemplified in Example 17 of the Administrative Instructions Under the PCT, Annex B, Unity of Invention, where it states that the protein and DNA sequence exhibit corresponding special technical features because expression of the DNA sequence in a host results in the production of a protein which is determined by the DNA sequence. Thus, unity of invention between a protein and a DNA encoding the protein is accepted.

In addition, the Administrative Instructions Under the PCT, Annex B, Instructions Concerning Unity of Invention, section(e) entitled "Combinations of Different Categories of Claims", also permits unity of invention between claims to a product, a process specially adapted for manufacture of said product, and a use of said product. Thus, Groups 12 and 13, now amended to be directed to a method for inhibiting cancer or cancer metastases as a use of the product, should be examined with Groups V and VI, respectively, according to PCT instructions on unity of invention. Furthermore, Groups 26 and 33 and Groups 27 and 34 share a special technical feature with Groups V and VI because these are also pharmaceutical/vaccine compositions just like linking claims 24-34 of Groups V and VII. Please note that antigen presenting cell is the elected species of claims 25 and 31 and therefore should link Groups 26 and 27 with Groups V and VI, respectively.

It is understood that upon allowance of a generic claim, applicants will be entitled to consideration of additional claims

to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim.

Withdrawal of the restriction requirement in part and examination of all the claims in Groups V, VI, 12, 13, 19, 20, 26, 27, 33, and 34 on the merits are respectfully requested.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claims 26 and 32 have been amended as follows:

26(Amended). The pharmaceutical composition of claim 24, wherein the composition contains an amount of said peptide effective to ~~prevent or cure~~ inhibit cancer or cancer metastases.

32(Amended). The vaccine composition of claim 30, wherein the composition contains an amount of said peptide effective to ~~prevent or cure~~ inhibit cancer or cancer metastases.